

MONTANA

VOLUNTEER FIREFIGHTERS' COMPENSATION ACT HANDBOOK



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Mission Statement: The Montana Public Employee Retirement Administration (MPERA) will efficiently provide quality benefits, education and service to help our plan members and beneficiaries achieve a quality retirement.

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If you have any questions about the VFCA, call or e-mail us or visit our website.

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<i>Telephone</i>	<i>Mailing Address</i>	<i>Office Address</i>
(877) 275-7372	P.O. Box 200131	100 North Park Ave.
(406) 444-3154	Helena, MT 59620-0131	Suite 200 Helena, MT 59620

E-Mail

In most cases, if you know the name of the person you are e-mailing, use their first initial and their last name plus @mt.gov. For example, Interim Executive Director Roxanne Minnehan's address is **rminnehan@mt.gov**.

If you don't know who to contact, e-mail our "front desk" and we'll forward your question to the right person: **mpera@mt.gov**.

Web Site

For updated information and to view MPERA newsletters and other publications visit us on the web at **<http://mpera.mt.gov>**.

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Preface

This *Volunteer Firefighters' Compensation Act (VFCA) Handbook* is a general summary of the benefits provided by the Volunteer Firefighters' Compensation Act. It is intended to give you an idea of what your benefits are and to acquaint you with the VFCA. Every effort has been made to ensure the contents agree with the law and rules. The law and its interpretation can change, so this handbook may be out-of-date soon after it is published. This handbook is not a final source of the law and rules. **IT SHOULD NOT BE TAKEN AS FINAL LEGAL AUTHORITY.** Information in this handbook is based on 2005 law. Benefits are based on the law in effect at the time of your retirement date; thus, some information found here may not apply in specific cases. If this handbook differs from law or rules as the Board interprets them, the law or rules will apply. This handbook replaces all previous VFCA member handbooks.

Montana Code

The law governing the VFCA may be found in Title 19, Chapter 17 and Title 7, Chapter 33, Montana Code Annotated (MCA). The MCA is available on-line at:

http://data.opi.state.mt.us/bills/mca_toc/index.htm

References to the pertinent sections of the MCA and Administrative Rules of Montana (ARM) are provided in parenthesis throughout this publication.

Introduction

The Volunteer Firefighters' Compensation Act (VFCA) is a public pension plan for volunteer firefighters who are members of eligible volunteer fire companies in unincorporated areas, towns, or villages under the laws of the State of Montana. In 1965, the Legislature created the VFCA to grant retirement, disability and death benefits to plan members and their beneficiaries.

The Public Employees' Retirement Board (Board) is an independent, seven-member board, appointed by the Governor to administer the VFCA, seven other retirement systems and the State's Deferred Compensation Plan. The Montana Public Employee Retirement Administration (MPERA) does the day-to-day work. This handbook uses the terms "we," "us," the MPERA and the Board interchangeably.

Because volunteer firefighters receive no pay for their services, they do not contribute to the VFCA Pension Trust Fund. Two sources of income are available to the pension trust fund: payments from the state and income from investing the pension trust fund. Income earned from investing the pension trust fund is reinvested in the fund. Only the Board may authorize payment from the pension trust fund. Current law limits payments from the VFCA fund. Authorized payments include: claims or benefits paid to members and survivors; supplemental insurance for eligible fire companies; and administrative costs. In addition, the Board must pay administrative expenses from the investment earnings. (§§ 19-17-106, 19-17-301, and 19-17-302, MCA)

Every two years, an actuary must evaluate the trust fund's capability to pay the benefits promised members. Benefits are set by law and are protected by Art. VIII, §15 of the Montana Constitution (1972).

Section I: Fire Companies

1. Eligibility

For a fire company to be eligible to participate in the VFCA, documents must be sent to the MPERA that verify the requirements have been met. (§§ 7-33-2101, 7-33-2311, 7-33-2312, 19-17-108 and 19-17-402, MCA)

The following information is required:

- a. A copy of the meeting minutes from the County Commissioners or governing board establishing the fire district.
- b. Identification of the portion of the fire district serviced by the company.
- c. Written documentation of the population of the area serviced.
- d. Written documentation that the fire district is located in an unincorporated area.
- e. The value of firefighting equipment and buildings owned, rented or used by the fire company.
- f. The fire company's name and mailing address.
- g. The fire company's list of officers and roll of active and honorary members.

2. Required Filing

County Clerk

The presiding officer or secretary must file **a list of all current year members** with the county clerk by September 1 of each year. (§ 7-33-2311, MCA) This certificate must also include the following information:

- a. Date the fire company was organized.
- b. Name of the company.
- c. List of officers, and role of active and honorary members.

The MPERA

Each year, the chief or presiding officer of a fire company must file an **annual certificate** of membership and fire company eligibility with the MPERA. The certificate is a turnaround document prepared by the MPERA and mailed in June to all eligible fire companies on file. Each fire company's chief or presiding officer must complete and verify the birth date, Social Security Number, entry date, and training received for each member on the certificate. **Only members that received at least 30 hours of training and served for the entire fiscal year are eligible for credit.** (§ 19-17-108, MCA)

The **original** certificate must be **notarized** and returned to the MPERA between July 1 and September 1. Certificates will be kept on file at the MPERA to verify a member's service and eligibility for benefits. Fire companies are required to maintain all training documentation and properly manage records. This ensures that all members receive credit for their service. The annual certificate must supply the following information:

- a. The chief's or presiding officer's signature, which confirms:
 1. A formal training program was available and all listed members completed at least 30 hours of training. (§ 7-33-2312 and § 19-17-402, MCA)
 2. Listed members served with the company during the entire fiscal year (July 1 to June 30). (§§ 19-17-108 and 19-17-402, MCA)
 3. Equipment maintained and buildings owned, rented or used by the company were maintained in useable condition and valued at \$12,000 or more. (§ 19-17-108, MCA)
- b. The date the fire company was organized. (§ 7-33-2311, MCA)
- c. Full name, Social Security Number, birth date, and service entry date for each member completing 30 hours of training. (List only those members who served with the company for the entire fiscal year and completed 30 hours of training.) (§ 19-17-402, MCA)

- d. In accordance with law, each fire company is limited to 28 members on their annual certificate. [§ 7-33-2311(3), MCA]

3. Supplemental Insurance

Fire companies are encouraged to carry supplemental insurance to provide benefits to members who are injured or who die in the line of duty. To help pay the cost of supplemental insurance, the trust fund will pay \$75 for each unit of motorized mobile firefighting equipment. Total payment to each fire company may not exceed \$150 per year. (§ 19-17-103, MCA)

Every November, the MPERA will send the Supplemental Group Insurance Payments Application form to each fire company on file. To be eligible for the payment, the company must have met the qualifications identified on page 7 of this handbook. The application form must be returned to the MPERA by December 31 and include the following information:

- a. The number of mobile units.
- b. Proof of supplemental insurance.
- c. A **certified** copy of the list of **all** members filed by the chief/presiding officer with the county clerk on or before September 1.

In order to receive any medical or funeral payments, a member must, at the time of illness, injury or death, be included on the current certified list of members on file with the county clerk. Therefore, fire chiefs should file new lists of members with the county clerk whenever membership changes. The current certified list, containing the name of the affected member, must be on file with the MPERA before medical or funeral expenses can be paid. (§ 19-17-103, MCA and ARM 2.43.803)

4. Formal Training Program

Training must be available for all members. The course or plan of instruction for this training program must include at least 30 hours of instruction per year per member. The training will include mat-

ters pertaining to firefighting. The chief or designated officer shall supervise the operation of the program. [§ 7-33-2313(2), MCA]

Note: Recognized training does not include business meetings, fire hall or vehicle maintenance, or emergency calls.

5. Late Filing of Annual Certificate

Annual certificates filed with the MPERA after the September 1 deadline must be appealed to and considered by the Board for approval to accept the certification for members of the fire company. Information to be provided to the Board for a late filing must include: letter to the Board from the fire chief explaining why the annual certificate was not submitted on time; the original, **notarized** annual certificate; certified training documents; and if requested by the fire chief, oral argument before the Board. [ARM 2.43.802(2)]

Certified training information includes:

1. Date of training
2. Title of training
3. Description of training
4. Hours of training
5. Who attended

Section II: Membership

The duties of the volunteer firefighter include activities authorized by an officer of the fire company which include travel to, participation in, and return from calls for the following: fire protection; medical assistance; search and rescue assistance; and calls for assistance to protect individual or public health and safety. It also includes travel to and participation in fire company meetings, training, and public service activities, such as parades. (§ 19-17-105, MCA)

1. Contributions

Member Contributions

Because volunteer firefighters who are members of the VFCA receive no pay for their services, they do not contribute to the VFCA trust fund.

State Contributions

Once each year, the state pays the trust fund 5% of certain insurance premium taxes collected during the year. (§ 19-17-301, MCA)

2. Credit for Service

Credit for Eligible Service

When a member applies for retirement, the MPERA will review the member's entire career to ensure proper credit is granted for all eligible service.

To be eligible for a year of service the following criteria must be met by the fire company and the member:

- a. The fire company must meet all criteria listed on pages 7 - 9.
- b. The member must be listed on the original, notarized annual certificate filed with the MPERA.

- c. The member must complete at least **30 hours** of training during the fiscal year to receive credit for the service.
- d. The member may transfer from one fire company to another and earn credit for service with each company. Each year of credit for service must be earned while serving with **one** fire company for the entire fiscal year. An explanation follows:
 - A member who transfers between companies, or resigns from service during a fiscal year, will not receive credit for service for that year.
 - If the member resigns, or transfers, on the last day of the fiscal year, the member will earn credit for service for the year.
- e. An inactive member who later becomes active will retain credit for any prior VFCA service.

Total service does not need to be continuous or with the same fire company; however, for **each** fiscal year, service must be with the **same** company. (§ 19-17-108, MCA)

Members reported on the annual certificate filed with the MPERA must meet all VFCA requirements. Members receive one year of credit for each full fiscal year the member belongs to an eligible company and completes at least 30 hours of documented formal training. To earn one year of credit for a fiscal year, a member must serve **with the same fire company** for the entire fiscal year. A fiscal year begins July 1 and ends June 30 of the following year. One year of credit is the smallest unit of service a member may earn. Service for part of a fiscal year does not count.

Section III: Benefits

To be eligible for pension and disability benefits under the VFCA, a member must fulfill certain age and service requirements.

1. Pension Benefits

Full Pension Benefit

A member may retire with a full pension benefit after completing at least 20 years of VFCA service and reaching age 55. The base pension monthly benefit is \$150 per month for members eligible for the full pension benefit. Effective April 25, 2005, a member's full pension benefit must be increased by \$7.50 a month for each completed year of active service in excess of 20 years, up to 30 total years of service. The volunteer firefighter does not need to be an active member of a fire company to apply for a pension benefit. (§§ 19-17-401 and 19-17-404, MCA)

Full Pension Benefit (at least 55 years of age)

20 Years of Credited Service	Monthly Benefit - \$150.00
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Additional Pension Benefit

A member that has more than 20 years of service can draw a benefit based on the additional years of service, up to 30 total years.

Additional Pension Benefit

Years Service	Monthly Amount	Years Service	Monthly Amount	Years Service	Monthly Amount
21	\$157.50	25	\$187.50	29	\$217.50
22	\$165.00	26	\$195.00	30	\$225.00
23	\$172.50	27	\$202.50		
24	\$180.00	28	\$210.00		

A retired volunteer firefighter receiving a full pension benefit who chooses to return to service with a volunteer fire company can do so without loss of benefits provided the returning member is not considered an active member receiving service credit.

Partial Pension Benefit

If circumstances prevent a member from completing 20 years of service, the member may be eligible for a partial pension benefit. **To be eligible, a member must have at least 10 years of credited service and be at least age 60.**

Partial Pension Benefit (at least 60 years of age)					
Years Service	Monthly Amount	Years Service	Monthly Amount	Years Service	Monthly Amount
1 - 9	\$0.00	13	\$97.50	17	\$127.50
10	\$75.00	14	\$105.00	18	\$135.00
11	\$82.50	15	\$112.50	19	\$142.50
12	\$90.00	16	\$120.00		

Retired members will receive the full or partial pension benefit for life. Any member receiving a **partial** benefit may not be or become an active member of a fire company without the loss of benefits except in limited circumstances as explained below.

Note: For information on survivorship benefits, see page 18.

Return to Service

A retired volunteer firefighter who is not receiving a disability benefit under the VFCA may return to active service with a fire company for the duration of a declared emergency. In the event of a declared national, state, or local emergency affecting Montana, retirees can return to service without becoming an active member of the VFCA

and without loss of benefits. The fire chief has the sole responsibility of deciding who may return to active service and what duties they may perform, after an emergency has been declared. (§ 19-17-401, MCA)

2. Disability Retirement

A duty-related injury resulting in permanent and total disability will qualify a member for a disability benefit.

Disability Benefit

Disabled members may receive disability benefits without regard to age or to the number of years of service. The disability benefit is calculated by multiplying the base pension benefit by a fraction, the numerator being the member's years of service and the denominator being 20. It is the same as the partial pension benefit (see page 14) except that the numerator can not be less than 10, therefore, members with one through ten years of service will receive the same benefit, currently \$75.00.

The following table shows the benefits available to disabled members calculated using the base benefit of \$150.00 with 20 years of service. (§§ 19-17-401 and 19-17-404, MCA)

Disability Benefit (No minimum age limit.)					
Years Service	Monthly Amount	Years Service	Monthly Amount	Years Service	Monthly Amount
1 - 9	\$75.00	13	\$97.50	17	\$127.50
10	\$75.00	14	\$105.00	18	\$135.00
11	\$82.50	15	\$112.50	19	\$142.50
12	\$90.00	16	\$120.00	20	\$150.00

Disability Medical Reviews

If a member is receiving a disability benefit, the Board may require the member to undergo periodic medical reviews. A medical review will consist of a review of all medical records and a recent medical exam. A physician or surgeon must conduct the medical exam. Any medical review may include specific tests to evaluate the disabling condition. The exam or tests will be done at a place agreed upon by the Board and the member. The doctor must send the results of the exam or test directly to the MPERA. Staff members of the MPERA and the Board's medical expert will review the report and advise the Board. Based on all medical evidence available, the Board will decide whether to continue the member's disability status.

(§ 19-17-408, MCA)

Disability Benefit Cancellation

The Board may cancel a member's disability benefit for any of the following reasons.

1. Based on medical data **provided** by the doctor and member, the Board decides the member's medical condition is no longer permanent and total.
2. The member refuses to consent to the medical exam or tests.
3. The member earns more than \$5,500 from employment during the past year. If the member earns less than \$5,500 in any following year, the Board must reinstate the benefit. The member must send a letter to the Board requesting reinstatement.

Canceling a member's disability benefit will not affect any other benefits available to the member. (§ 19-17-409, MCA)

Section IV: Additional Information

1. Medical Expenses

To qualify for payment of medical expenses, a member must incur an injury or illness while acting in the line of duty. The member must also belong to a fire company **not covered** by workers' compensation insurance. Members must first apply for payment through any other insurance coverage they or the company may have. Once a member exhausts other insurance coverage, the MPERA will pay up to \$25,000 for any remaining medical expense claims approved by the Board.

Treatment does not need to be in a hospital, but must require the services of a doctor or nurse. Payment is limited to expenses billed within 36 months of the injury. Total payment may be no more than the necessary and reasonable out-of-pocket expenses or \$25,000, whichever is less.

The Board may permit payment for or replacement of a prosthesis. The injury must have occurred while the member was acting in the line of duty. A prosthesis must be necessary because of an injury that resulted in the loss of an arm, hand, leg, foot, eye, or any natural teeth. Payment may be no more than the cost of the prosthesis or \$1,500, whichever is less. Payments to replace a prosthesis are limited to \$1,500 every five years.

To file a claim for medical expenses, a member should contact the MPERA after initial treatment of the injury. The MPERA will provide the form and instruct the member how to complete the form. Claims must be submitted **within one year** of when the injury or illness occurred. Bills received after filing the claim, but within 36 months of the injury or illness, may be added to the claim. A competent medical professional and the member must verify the claim. After the Board approves the claim, the MPERA will pay the business that provided the medical services. (§§ 19-17-501, 502, 504 and 506, MCA)

2. Funeral Expenses

When an active member dies in the line of duty, the Board will pay some or all of the cost of the funeral. Payment may not exceed the reasonable cost or \$1,500, whichever is smaller. Anyone wishing to file a claim for funeral expenses should contact the MPERA for instructions. A survivor, or any person acting for the member's estate, may submit a claim for funeral expenses. Upon Board approval, the MPERA will pay the business that provided the funeral services. (§ 19-17-501 and 505, MCA)

Note: A member must be included on the current list of membership filed with the county clerk at the time of illness, injury or death to receive any medical or funeral payments. The chief should file a new list of members with the county clerk whenever the membership changes. The MPERA may request a new certified list before paying benefits or claims.

3. Survivorship Benefits

Survivorship benefits may be available to a deceased member's surviving spouse or dependent children. Monthly benefits paid to a survivor will equal the member's full or partial benefit or the disability benefit. Survivorship benefits are limited to 40 months **including** any pension or disability benefits paid to the member before death. If a member receives benefits for 40 months before death, no survivorship benefit is available. At the request of the survivor, a lump sum payment for the survivorship benefit may be made instead of a monthly payment. (§ 19-17-405, MCA)

4. Taxes on Benefits

Some or all of a member's retirement benefit will be subject to federal and state income taxes. Since tax law changes often, the member should contact a tax professional for advice about specific, up-to-date information concerning state and federal taxes.

Tax Statements

Each year, MPERA we will send retired VFCA members a Distributions Form (Federal Form 1099R). The 1099R is similar to a W-2 Form. We send the form to all people who receive any payment from the VFCA, not just the member. The 1099R will show the gross taxable amount received during the past calendar year. This form will also show state or federal taxes withheld during the year. MPERA bases withholding rates on current federal and state tax law.

Tax Advice

Tax laws that apply to retirement benefits change frequently. Members should contact a tax professional for specific, up-to-date information about state and federal taxes.

5. Assignment of Benefits

Your retirement benefit may not be assigned to another person under ERISA, a federal law governing private pension benefits; nor may a Qualified Domestic Relations Order assign your benefits to another person. However, the IRS may place a levy against your benefit for unpaid taxes.

In very limited cases, the court may assign all or a portion of your VFCA benefit to another person. This includes a Family Law Order (FLO) which must be a judgment, decree or order of a Montana court. Courts from other states may also assign your benefit with a Support Obligation. Support Obligations must meet requirements similar to those for a FLO. (§ 19-2-907 and 19-2-909, MCA)

Family Law Order (FLO)

A FLO may require MPERA to pay all or part of a member's benefit to another person. That person is an alternate payee. A Montana court may issue a FLO for child or parental support, spousal maintenance or marital property rights. The FLO may require that MPERA pay an alternate payee a set sum or percentage of your benefit. For example, the FLO may require MPERA to pay \$75 per month until a set sum of \$2,000 has been paid. Or, the FLO may require MPERA to pay 50% of the member's monthly benefit for as long as the member receives a benefit.

A FLO can not require MPERA to pay a type of benefit unless that benefit is available to the member. Nor can a FLO require an amount or length of payment greater than payable to the member. This means a FLO cannot require MPERA to make any payments before the member retires. Also, the FLO may not require payments that are more than the amount MPERA may pay the member. (§§ 19-2-907 and 19-2-909 MCA)

6. For More Information

If you want an estimate of your benefit, please contact MPERA in writing. Any estimates provided from any other source may be wrong. MPERA is not responsible for any information from other sources. Members must contact MPERA for application forms when considering service or disability retirement, or requesting a survivorship benefit. Members should instruct beneficiaries to contact MPERA in the event of death. Members or survivors corresponding with MPERA by mail or fax, should include full name, printed and signed, Social Security Number, return address and daytime telephone number.

Mailing Address: MPERA
P.O. Box 200131
Helena, MT 59620-0131

FAX Number: (406) 444-5428

Requests may also be e-mailed to MPERA. Be sure to include the member's or survivor's full name, Social Security Number, return address and day-time telephone number.

E-mail Address: mpera@mt.gov

We invite visitors to the MPERA office in Helena at 100 North Park Avenue, Suite 200. (See map on back cover.) Office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m., except on designated state holidays. **It is most helpful for staff if appointments are made in advance.** Phone MPERA at (406) 444-3154 or toll free, (877) 275-7372. If the phone lines are busy, you may leave a voice mail message. Be sure to leave your name, the member or survivors name, telephone number, and Social Security Number first, then a brief message.

NOTE: To avoid confusion, questions should be put in writing. MPERA will then provide a **specific written response**.

GLOSSARY OF TERMS (§ 19-17-102, MCA)

ACTIVE MEMBER - a volunteer firefighter who is credited with one year of service for the last complete fiscal year. A member who does not receive credit for service for the last complete fiscal year becomes an inactive member.

BENEFIT - a service or disability retirement or survivorship payment provided by the VFCA.

BOARD - the Public Employees' Retirement Board.

CLAIM - a request from a member, surviving spouse, or dependent child for payment of medical or funeral expenses.

DEPENDENT CHILD - the child of a deceased member who is unmarried and less than 18 years of age.

DISABILITY (permanent and total disability) - the physical condition of a firefighter resulting from a duty-related injury that after maximum medical healing, prevents the firefighter from having a reasonable prospect of physically performing regular employment. Regular employment means work on a recurring basis performed for remuneration in a trade, business, profession or other occupation in Montana.

FIRE COMPANY - a fire company that meets the following requirements of § 7-33-2311, MCA.

1. The company is organized in an unincorporated area, town, or village. An unincorporated city, town, or village with less than 1,000 people may form one company; otherwise, they may form only one company for every 1,000 people.
2. A company may have no more than 28 active members listed on the annual certificate which is filed with the MPERA.

The following must also be filed:

1. The presiding officer and secretary must file a list of all members for the current year with the county clerk by September 1 of each year. The certificate must include the following items:
 - a. Date the company was organized.
 - b. Name of the company.
 - c. List of officers, and role of active and honorary members.
2. A fire company must renew the certificate and file every year on or before September 1.

FISCAL YEAR - the 12-month period starting on July 1 and ending the following June 30.

IN THE LINE OF DUTY (or duty related) - the member's activities were duties of a volunteer firefighter. Duties include any activity authorized by an officer of the company relating to travel to, participation in, and return from calls for the following: fire protection; medical assistance; search and rescue assistance; and calls for assistance to protect individual or public health and safety. It also includes travel to and participation in fire company meetings, training, and public service activities, such as parades.

MEMBER - a volunteer firefighter who has service credited under the VFCA.

MPERA - the Montana Public Employee Retirement Administration.

RETIREE OR RETIRED MEMBER - a member who is receiving full or partial pension or disability benefits from the pension trust fund.

SERVICE - all periods of active service. Members must serve with one fire company for the entire fiscal year and must complete at least 30 hours of formal training each fiscal year (July 1 to June 30) to receive credit for service.

SUPPLEMENTAL INSURANCE - insurance carried by a fire company to provide disability or death benefits. Supplemental is insurance other than any insurance required by law, including workers' compensation insurance.

SURVIVING SPOUSE - the spouse married to the member when the member dies.

SURVIVORSHIP BENEFIT - the monthly benefit paid to the surviving spouse or dependent children of a deceased member.

TRAINING - a formal program of instruction that has been formulated, supervised and certified to the board by the chief or designated officer of the fire company. Training does **not** include business meetings, fire hall or vehicle maintenance, or emergency calls.

VOLUNTEER FIREFIGHTER - an active member of an eligible fire company who is not paid for services as a firefighter.

Alternate Accessible Format

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Write to:

Attn: Carolyn Miller
MPERA
P.O. Box 200131
Helena, MT 59620-0131

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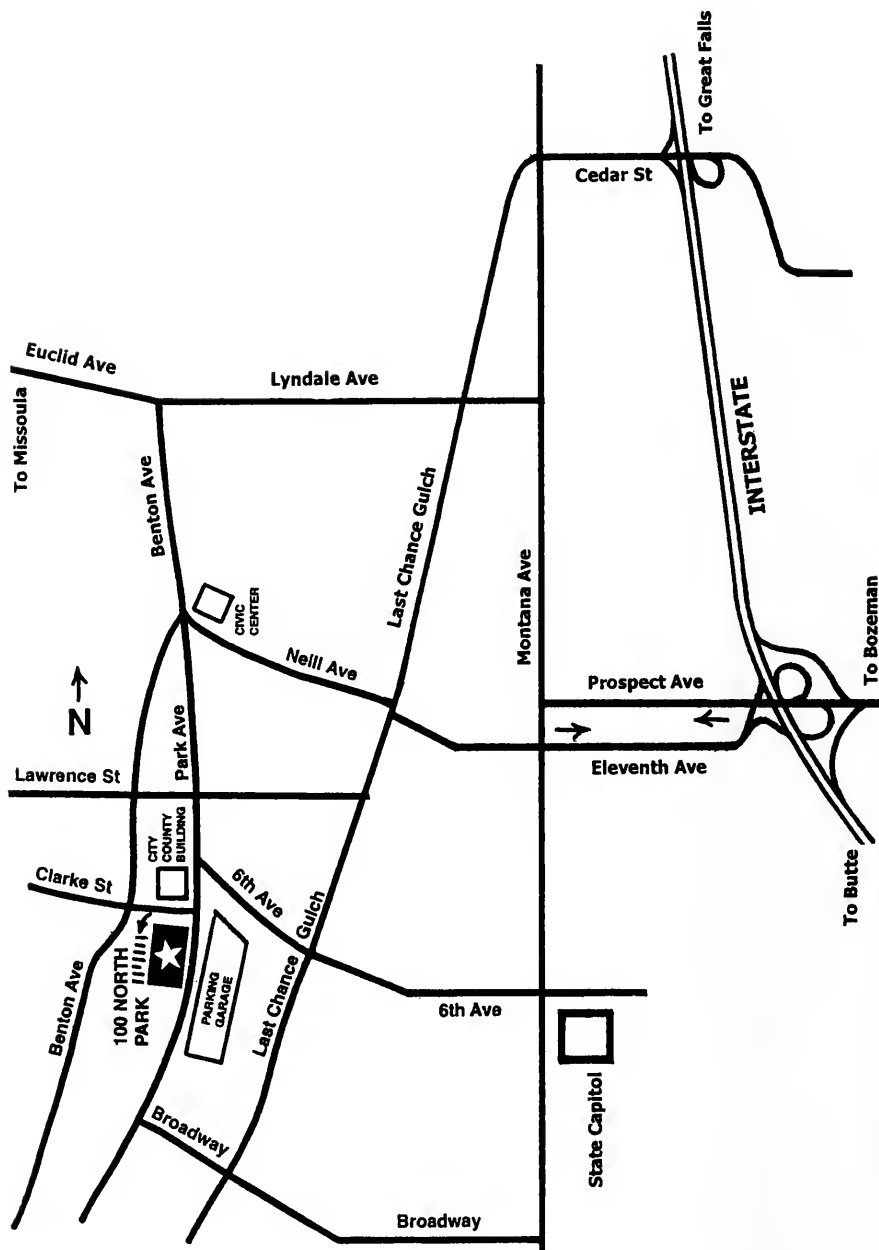
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100 North Park Avenue, Suite 200



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